

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/000054	International filing date (<i>day/month/year</i>) 14.01.2004	Priority date (<i>day/month/year</i>) 15.01.2003
International Patent Classification (IPC) or national classification and IPC E06B3/673		
Applicant SAINT-GOBAIN GLASS FRANCE et al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000054

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-24 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1-6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000054

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5-7	YES
	Claims	1-4, 8-24	NO
Inventive step (IS)	Claims	6, 7	YES
	Claims	1-5, 8-24	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1 : US-A-4911779
D2: FR-A-2 807 783
D3: FR-A-2 636 380
D4: US-A-3 886 013
D5: US-A-3473 988
D6: EP-A-0 671 534
D7: EP-A-0 122405

1. The present application does not meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty defined by PCT Article 33(2).

- 1.1 Document D1 describes (the references between parentheses apply to said document):

a tool-holder device (34) carrying at least one tool, in particular a nozzle (36) working in conjunction with at least one substrate (31, 32) which is placed on its edge, wherein said device (34) is capable of translating and rotating the

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>tool relative to the substrate (column 16, line 53 to column 18, line 57), and said substrate is capable of being translated relative to the tool when the latter is being operated. The nozzle (36) works in conjunction with the substrates (31, 32) without engaging the edge thereof (see figure 1).</p> <p>D1 therefore describes all the features of claim 1.</p> <p>1.2 Document D3 also describes all the features of claim 1 (the references between parentheses apply to said document):</p> <p>a tool-holder device (6, 7, 8) carrying at least one tool, in particular a bead application head (3) working in conjunction with at least one substrate (1) which is placed on its edge, wherein said device (6, 7, 8) is capable of translating and rotating the tool (3) relative to the substrate (page 5, line 18 to page 6, line 25), and said substrate is capable of being translated relative to the tool when the latter is being operated. The head (36) works in conjunction with the substrates (31, 32) without engaging the edge thereof (see figure 7).</p> <p>2. The present application does not meet the requirements of PCT Article 33(1), since the subject matter of claim 5 does not comply with the criterion of inventive step defined by PCT Article 33(3).</p>

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document D3, which is considered the prior art closest to the subject matter of claim 5, describes all the features of the independent claim, but not the means for applying and bonding a spacer member on the edges of the substrates described in claim 5.

The problem that the present invention is intended to solve can therefore be considered to be that of adapting the known machines for placing a spacer member in such a way that they can be used to make an insulating glazing in which the spacer member bears against the edges of the glass sheets via the inner surface thereof (see, e.g., the glazing known from document D2).

The solution to said problem, as proposed in claim 5 of the present application, is not considered to involve an inventive step (PCT Article 33(3)) for the following reasons:

Faced with this problem, it would be obvious for a person skilled in the art to operate the application head of the machine as per document D3 on the edges of the sheets rather than on the sides thereof, thereby arriving at the subject matter of claim 5.

Moreover, figures 1 and 7 of document D4 illustrate an application head (50, 54) carried by a tool-holder (44) and operating on the edges of glazing sheets. Thus, a person faced with

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

technical problems relating to operating the application head of the machine according to document D3 on the sheet edges would turn to the content of document D4, which would provide a solution to said problem.

3. Dependent claims 2-4 and 8-24 do not contain any feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the requirements of novelty and/or inventive step of the PCT (see the other documents cited in the search report).